

FORM SUMMARY

Name of Form: Public Defender Response/Order Concerning Recoupment

Form Number: JD-1763

Statutory Reference: §§48.275, 938.275(2), Wisconsin Statutes, and State Public Defender administrative rule.

Benchbook Reference: JV 8

Purpose of Form: A formal response by the State Public Defender to the court concerning a parental request for an indigency determination. Parents who are ordered by the court to reimburse the state for cost of legal services provided by a publicly paid attorney may request an indigency evaluation within 30 days of such an order.

Who Completes It: State Public Defender

Distribution of Form: Original is filed with the court. The SPD will maintain a copy for its records and provide copies to the parents.

Accompanying Forms: Generally none.

New Form/Modification: New form

Modifications: Added a file/date stamp area to upper left corner. Added a statement on the bottom indicating that the form shall not be modified.

Comments: §§48.275 and 938.275, Wisconsin Statutes, require the parents to reimburse the state for cost of legal services expended by the state on behalf of their child/juvenile. The only exceptions to this requirement are if the parent(s) were the complaining party or if ordering reimbursement would be "unfair."

Parents who believe they are indigent may seek a review by the State Public Defender but must do so within 30 days of the date of the order. The SPD makes a determination of the validity of the request and reports the results to the court.

Depending on the SPD response, the court will complete the bottom portion retaining or amending the original order.

About this form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.